

FEB 09 2015

SENATE CONCURRENT RESOLUTION

AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT
COVERING A PORTION OF STATE SUBMERGED LANDS AT WAIMANALO,
KOOLAUPOKO, OAHU, FOR THE USE, MAINTENANCE, AND REPAIR OF
THE EXISTING SEAWALL AND STEPS.

1 WHEREAS, the Eve G. Anderson Trust owns the property
2 located in Waimanalo, Koolauapoko, Oahu, identified as Tax Map
3 Key Number (1)4-1-002:007; and
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5 WHEREAS, in 2014, it was determined that the existing
6 seawall and steps fronting the property identified as Tax Map
7 Key Number (1)4-1-002:007, encumber a total of 4,491 square feet
8 of state submerged lands; and
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10 WHEREAS, the existing seawall appears to have been
11 constructed during the 1930s, as supported by Map 1 of Land
12 Court Application 977 and the letter dated January 23, 1931, by
13 the Chairperson of the Board of Harbor Commissioners approving
14 the owner's predecessor-in-interest's request to construct a
15 concrete facing to the present seawall; and
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17 WHEREAS, on September 3, 2014, the Office of Conservation
18 and Coastal Lands of the Department of Land and Natural
19 Resources determined that the seawall was constructed prior to
20 the establishment of the Conservation District in 1964 and
21 indicated its support of an issuance of an easement to resolve
22 the encroachments; and
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24 WHEREAS, on November 14, 2014, under agenda item D-21, the
25 Board of Land and Natural Resources approved a grant of a 55-
26 year non-exclusive easement to resolve the encroachments; and
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28 WHEREAS, as consideration for the easement, the owner
29 agreed to pay to the State a one-time payment to be determined



1 by an independent appraisal establishing a fair market value,
2 subject to review and approval by the Chairperson of the Board
3 of Land and Natural Resources; and
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5 WHEREAS, section 171-53, Hawaii Revised Statutes, requires
6 prior approval of the Governor and prior authorization of the
7 Legislature by concurrent resolution for this disposition of
8 state submerged lands; now, therefore,
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10 BE IT RESOLVED by the Senate of the Twenty-eighth
11 Legislature of the State of Hawaii, Regular Session of 2015, the
12 House of Representatives concurring, that the Board of Land and
13 Natural Resources is authorized to issue a term, non-exclusive
14 easement covering a portion of state submerged lands fronting
15 the property identified as Tax Map Key Number (1)4-1-002:007,
16 Waimanalo, Koolaupoko, Oahu, for the use, maintenance, and
17 repair of seawall and steps, pursuant to section 171-53, Hawaii
18 Revised Statutes; and
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20 BE IT FURTHER RESOLVED that a certified copy of this
21 Concurrent Resolution be transmitted to the Chairperson of the
22 Board of Land and Natural Resources.
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24
25

OFFERED BY: _____

Hamm Thul

